

**CONWAY PLANNING BOARD**

**MINUTES**

**DECEMBER 9, 2021**

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**CONWAY PLANNING BOARD**

**MINUTES**

**DECEMBER 9, 2021**

A meeting of the Conway Planning Board was held on Thursday, December 9, 2021 beginning at 7:00 pm at the Conway Town Office, Conway, NH. Those present were: Chair, Benjamin Colbath; Selectmen’s Representative, Steven Porter; Vice Chair, Ailie Byers; Secretary, Sarah Frechette; Bill Barbin; Eliza Grant; Erik Corbett; Planning Director, Jamel Torres; and Planning Assistant, Holly Whitelaw. Alternates Ted Phillips and Steven Steiner were in attendance.

**REVIEW AND ACCEPTANCE OF MINUTES**

Ms. Byers made a motion, seconded by Ms. Grant, to approve the minutes of October 28, 2021 as written. Motion carried unanimously.

Ms. Byers made a motion, seconded by Mr. Corbett, to approve the minutes of November 4, 2021 as written. Motion carried with Mr. Barbin and Mr. Colbath abstaining from voting.

**AGENDA OUT-OF-ORDER**

Mr. Colbath made a motion, seconded by Ms. Byers, to take the agenda out-of-order to address Rotten Rock Hardscaping and Tree Service, William and Sharon Lydon and Type C Design. Motion carried unanimously.

**OTHER BUSINESS**

Rotten Rock Hardscaping and Tree Service, Inc. (PID 202-188) – Request to extend conditional approval (File #FR21-11): Mr. Porter made a motion, seconded by Mr. Corbett, to extend the conditional approval for Rotten Rock Hardscaping and Tree Service, Inc. until June 9, 2022. Motion carried unanimously.

William and Sharon Lydon (PID 272-30) – Request to extend conditional approval (File #S21-13): Mr. Porter made a motion, seconded by Mr. Barbin, to extend the conditional approval for William and Sharon Lydon until June 9, 2022. Motion carried unanimously.

Type C Design, LLC/Jason Zube - Lot Merger (PID 215-31 & 32): Mr. Barbin made a motion, seconded by Mr. Porter, to approve the lot merger requested by Type C Design, LLC/Jason Zube. Motion carried unanimously.

**VALLEY SPRINGS CAR WASH, LLC (FILE #FR21-19) – FULL SITE PLAN REVIEW (PID 265-128.1)**

Dan Lucchetti of HEB Engineers appeared before the Board. This is an application to construct a 3,923 square foot, 5-bay car wash with exterior vacuum stations and associated infrastructure. Mr. Lucchetti gave an overview of the project.

**Adopted: January 27, 2022 – As Written  
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**Mr. Porter made a motion, seconded by Ms. Byers, to accept the application of Valley Springs Car Wash, LLC for a full site plan review as complete. Motion carried unanimously.**

Mr. Lucchetti reviewed the application. Mr. Lucchetti stated the NHDOT is reviewing the application and the possible need for left hand turn lane . Mr. Colbath asked for Board comment; Mr. Colbath asked if four catch basins are adequate for the amount of runoff a carwash will produce. Mr. Lucchetti stated the slab of the building itself will be pitched in and there is an internal collection system.

Mr. Colbath asked if this would be a 24-hour car wash. Mr. Lucchetti stated he did not know the hours of operation, but seeing it is automatically operated he would assume it would be a 24-hour operation. Mr. Colbath asked the decibel level of vacuums. Mr. Lucchetti stated he did not know. Mr. Colbath stated they are relatively close to a residential property and asked if they would be shut off at night to meet the noise ordinance. Mr. Lucchetti stated there are no plans to shut them off, but they probably could be regulated. Mr. Lucchetti stated the retaining wall itself will significantly reduce the sound.

Mr. Porter stated this particular stretch of road is problematic without any more businesses at this location. Mr. Porter stated the Board of Selectmen’s concern when they were looking into purchasing this property was the entrance and exit out of the site. Mr. Porter stated he thinks this business is going to create a problem in this area with the traffic flow. Mr. Porter stated the current car wash in North Conway has traffic spilling out onto Route 16 on busy days; he is concerned that could happen here.

Mr. Lucchetti stated the center turn lane on Route 16 terminates approximately 200-feet north of it; they are providing traffic counts and data to NHDOT to make the determination if that left-hand turn lane extension of what exists is warranted to prevent traffic from backing up the north bound lane. Mr. Lucchetti stated in regard to the south bound lane, the site has been designed to provide as much stacking as possible inside the property.

Ms. Byers stated there are five-bays which are different sizes; what are the differences between the bays. Mr. Lucchetti stated three are automatic where you pull in and the doors close around you, the other two are manual bays. Ms. Byers asked if the NHDOT requires the driveways to align, what would that do to the site. Mr. Lucchetti stated it would take away from some of the vehicle stacking, but it would not require a complete redesign or be detriment to the project.

Ms. Byers stated there seems to be a lot of asphalt and asked if there has been any consideration given to tightening it up for more greenspace. Mr. Lucchetti stated the asphalt as proposed is needed for stacking, emergency vehicles, and the garbage truck.

Mr. Corbett asked if there is any fencing proposed on the western property line between the residential property. Mr. Lucchetti stated there is a chain-link fence proposed at the top of the berm, but it could be changed to a stockade fence. The board discussed their concerns with the traffic problem going into Conway Village, and the possibility of requesting a traffic study.

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Mr. Colbath asked for public comment; Steven Steiner, speaking as a citizen, stated this could be a four-story hotel. Mr. Steiner stated he goes to the existing car wash in town and he seems to get out of there okay; there have been no accidents there that he is aware of. Mr. Steiner stated he doesn't think this is big deal, and it is a good-looking building.

Bob Gillis asked if the spaces in the vacuum area require you to pull-in and then back out. Mr. Lucchetti stated the owner's intent is to vacuum first and then wash second. Mr. Gillis stated with cars stacked waiting to get into the bays there are now people trapped in the vacuum area. Mr. Lucchetti stated he does not disagree with Mr. Gillis' comment. Mr. Lucchetti stated the vehicle would be facing north with a 90-degree turn into and then a back out; it would then require a 3-point turn to enter a carwash.

Mr. Gillis stated the noise from the dryers are going to be greater than the vacuums. There was a discussion regarding hours of operation. Mr. Colbath stated they cannot violate the noise ordinance.

There was a discussion regarding the riprap in the buffer. Mr. Torres suggested reducing the impervious cover on the site by reducing the aisles to 18-feet wide where possible. Mr. Lucchetti stated if they reduce the aisle width to 18-feet they are going to have to provide space somewhere else to get a fire truck or garbage truck through that site. Mr. Colbath asked how much could the 24-foot aisle be reduced and still have enough area for those trucks. Mr. Lucchetti stated maybe 22-feet, or maybe 20-feet. Mr. Lucchetti stated he understands the concerns, but resolving one concern amplifies the traffic concern as well.

Mr. Torres stated they did not provide elevations for the canopy. Mr. Lucchetti stated there is a section view, but he could provide front and back elevations. The materials of the canopy were reviewed.

The Board discussed the potential need for a traffic study. **Mr. Porter made a motion, seconded by Ms. Grant, to conduct a traffic study to include the impacts of the increased traffic between Route 16/302 intersection and East Side Road, increased traffic on East Side Road, car stacking in the south bound lane on Route 16 and safety concerns with traffic going north. Motion carried with Mr. Barbin and Ms. Byers voting in the negative.**

The Board also requested the intended hours of operation and the decibel levels of the dryers and of the vacuums. **Mr. Colbath made a motion, seconded by Mr. Porter, to continue Valley Springs Car Wash, LLC until February 24, 2022 with new information to be submitted by February 1, 2022. Motion carried unanimously.**

**GREP WMH II, LLC (FILE #FR21-15 & #S21-19) – CONCURRENT SITE PLAN AND 3-UNIT SUBDIVISION REVIEW (PID 235-87)**

This is an application to demolish the existing restaurant and site features and construct a 5,450 square foot restaurant, a 2,400 square foot bank and a 5,148 square foot retail building with associated infrastructure and create three commercial units. Mr. Torres stated with the number of deficiencies the applicant has requested to be continued.

Mr. Porter made a motion, seconded by Ms. Byers, to grant the request from GREP WMH II, LLC to allow for a concurrent site plan and subdivision review. Motion carried unanimously.

Mr. Colbath made a motion, seconded by Ms. Frechette, to continue the Concurrent Site Plan and 3-Unit Subdivision review for GREP WMH II, LLC until February 10, 2021 with new information to be submitted by January 18, 2021. Motion carried with Mr. Barbin voting in the negative.

**NELSON-BERGMAN GROUP, INC. (FILE #S21-15) – 27-LOT SUBDIVISION REVIEW (PID 258-68)**

This is an application to subdivide ±280 acres into 27-lots. Mr. Torres stated with the number of deficiencies the applicant has requested to be continued.

Ms. Frechette made a motion, seconded by Ms. Byers, to continue the 27-Lot Subdivision review for Nelson-Bergman Group, Inc. until February 10, 2021 with new information to be submitted by January 18, 2021. Motion carried unanimously.

Mr. Torres stated there are a number of zoning violations that need to be addressed.

**NORTH CONWAY BANK NKA TD BANK (FILE #CC21-01) – CONCEPTUAL CONSULTATION**

Jason Cohen of Bergmeyer Associates and Nicole Duquette of Greenman-Pedersen, Inc. appeared before the Board. This is a conceptual consultation for redevelopment of the TD Bank site. Mr. Cohen and Ms. Duquette reviewed the plans with the Board.

**OTHER BUSINESS CONTINUED**

**Proposed Zoning Amendments Discussion:** The Board reviewed the following proposed changes to the Conway Zoning Ordinance (§190) and the Affordable Housing Ordinance (§195).

**§190-17.F.(1) & (2) – Structure and Building Height – Center Conway Village Commercial (CCVC) District:** Ms. Grant read the proposed changes (attached). **Mr. Colbath made a motion, seconded by Ms. Frechette, to post the proposed changes to §190-17.F.(1) & (2) to a public hearing on January 27, 2022. Motion carried unanimously.**

**§190-18.E.(1) & (2) – Structure and Building Height – Conway Village Commercial (CVC) District:** Ms. Grant read the proposed changes (attached). **Mr. Colbath made a motion, seconded by Ms. Frechette, to post the proposed changes to §190-18.E.(1) & (2) to a public hearing on January 27, 2022. Motion carried with Mr. Barbin voting in the negative.**

**§190-19.E.(1) & (2) – Structure and Building Height – North Conway Village Commercial (NCVC) District:** Ms. Grant read the proposed changes (attached). **Mr. Porter made a motion, seconded by Ms. Frechette, to post the proposed changes to §190-19.E.(1) & (2) to a public hearing on January 27, 2022. Motion carried unanimously.**

**Adopted: January 27, 2022 – As Written  
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**§190-20.E.(1) & (2) – Structure and Building Height – Highway Commercial District in the North Conway area north of North Conway Village:** Ms. Grant read the proposed changes (attached). The Board agreed to remove the word “Intervale”. **Ms. Frechette made a motion, seconded by Mr. Colbath, to post the proposed changes to §190-20.E.(1) & (2) to a public hearing on January 27, 2022. Motion carried unanimously.**

**§195 – Affordable Housing – Conditional Use Permit:** Kaela Tavares of the North Country Council and Harrison Kanzler of Mount Washington Valley Housing Coalition appeared before the Board. The Board discussed the attached amendment to the Affordable Housing ordinance that would allow the Planning Board to grant a conditional use permit for compact cluster housing developments.

The Board agreed to modify the proposed amendment by adding manufactured and mobile homes are not allowed, and legal documents shall be reviewed and approved by the Planning Board with leased terms of no less than 180 days.

**Mr. Colbath made a motion, seconded by Ms. Frechette, to post the proposed changes to §195 – Affordable Housing to a public hearing on January 27, 2022. Motion carried unanimously.**

Meeting adjourned at 10:00 pm.

Respectfully Submitted,

Holly L. Whitelaw  
Planning Assistant

November 16, 2021

Town of Conway Planning Board  
23 Main Street  
Conway, NH 03818

SUBJECT: Preliminary Conceptual Consultation  
TD Bank  
1249 Eastman Road  
Map 246 Lot 43

Dear Members of the Town of Conway Planning Board:

**Greenman-Pedersen, Inc. (GPI)**, on behalf of TD Bank, is requesting to be placed on the December 9, 2021 Planning Board hearing for a Preliminary Conceptual Consultation.

TD Bank is proposing a raze and rebuild to the existing 2,305 square foot TD Bank building and improvements to the site located at 1249 Eastman Road and identified as Lot 43 on the Town's Tax Maps for a new 2,873 square foot TD Bank with a three-lane drive-thru and 31 parking spaces. This proposed use is consistent with the previously approved use. In addition to the proposed site improvements, we are proposing to relocate the existing driveway on Eastman Road further away from the intersection of Eastman Road and White Mountain Highway.

The style we are proposing for this building is intended to be reminiscent of a modern ski chalet or lodge, with a gently-sloping standing-seam roof with a 1.5 in 12 slope, supported by real wood timber columns at the perimeter and sloping glulam beams which extend past the exterior wall to express the structure and create overhangs at the eaves. We realize that the roof slope is less than the 3:12 minimum slope prescribed in the design guidelines, but we believe that our design is still in keeping with the intent of the guidelines since the low-slope roof does not give the impression of a warehouse, which is what the guidelines are attempting to avoid. If we were to increase the slope to 3:12, the building wood look dramatically different and result in a much taller roof edge at the high point.

We also believe that our modern design is in keeping with some of the more recent buildings across Route 16, such as the REI COOP, and, while being a bit bolder, still fits in with the local vernacular of North Conway in general.

If you have any question or comments, please feel free to contact me at [nduquette@gpinet.com](mailto:nduquette@gpinet.com) or by phone at 603-374-7906.

Sincerely,

*Nicole Duquette*

Nicole Duquette, LEED AP  
Project Designer

RECEIVED

NOV 16 2021

TOWN OF CONWAY

Planning Board  
Proposed Zoning Ordinance Changes, 2022 Ballot

190-17 Center Conway Village Commercial (CCVC) District

F. Structure and building height.

1. Structure height shall not exceed ~~55-40~~ feet for any structure, except wind energy systems permitted in accordance with Chapter 179 of the Conway Code.
2. Building height shall not exceed ~~45-30~~ feet.

190-18 Conway Village Commercial (CVC) District

E. Structure and building height.

1. Structure height shall not exceed ~~55-40~~ feet for any structure, except wind energy systems permitted in accordance with Chapter 179 of the Conway Code.
2. Building height shall not exceed ~~45-30~~ feet.

190-19 North Conway Village Commercial (NCVC) District

E. Structure and building height.

1. Structure height shall not exceed ~~55-40~~ feet for any structure. For properties west of Route 16, structure height shall not exceed 30 feet. These restrictions shall not apply to wind energy systems permitted in accordance with Chapter 179 of the Conway Code.
2. Building height shall not exceed ~~45-30~~ feet. For properties west of Route 16, building height shall not exceed 25 feet.

190-20 Highway Commercial (HC) District

A. District Boundaries

4. North Conway area north of North Conway Village (Intervale)
  - a. The HC District in the North Conway area north of North Conway Village (Intervale) shall have the following bounds (Map and Parcel numbers refer to 2003 Town of Conway Tax Maps):

E. Structure and building height.

1. Structure height shall not exceed 55 feet for any structure, except wind energy systems permitted in accordance with Chapter 179 of the Conway Code. For properties located in the North Conway area north of North Conway Village (Intervale), structure height shall not exceed 40 feet.
2. Building height shall not exceed 45 feet. For properties located in the North Conway area north of North Conway Village (Intervale), building height shall not exceed 30 feet.



**In order to encourage the development of affordable primary residences and enhance residential housing choices in Conway, the Planning Board may grant a conditional use permit for compact cluster housing developments, provided that:**

- 1. All dwelling units shall be in single family detached structures or duplexes;**
- 2. All dwelling units shall be served by municipal water and sewerage;**
- 3. All dwelling units shall have a floor area of not less than 600 square feet nor greater than 1200 square feet;**
- 4. All dwelling units shall be used as for long-term residency and as primary residences, and short-term transient occupancy of any dwelling unit is prohibited;**
- 5. The minimum lot size shall be ¼ acre for the first unit and 5,000 square feet for each additional dwelling unit on a lot;**
- 6. The minimum frontage for any lot shall be 50 feet;**
- 7. The conditional use permit shall not be combined with any other conditional use permit or special exception, including but not limited to the special exceptions for accessory dwelling units.**